

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, FEBRUARY 1, 2000

Chair Parsons called the meeting to order at 7:40 p.m. at Twin Pines Senior and Community Center.

PRESENT, COMMISSIONERS: Peirona, Purcell, Mathewson, Phillips, Wiecha, Parsons

PRESENT, STAFF: Director Vanderpriem, Senior Planner Livingstone, Contract Planner Ungo-McCormick, City Attorney Savaree, Recording Secretary Wong

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AGENDA STUDY SESSION: Director Vanderpriem suggested amending the agenda to move items 6D, 6E, and 6F after item 6A, and announced postponing item 7B to the next meeting. Chair Parsons called attention to: 1) the revised resolution for item 6E, 1840 Robin Whipple Way, and 2) corrections to the January 4th meeting minutes.

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AGENDA AMENDMENTS: Unanimously agreed to amend the agenda as suggested above.

COMMUNITY FORUM (Public Comments): None.

CONSENT CALENDAR

Action Minutes of January 4, 1999

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MOTION: By Commissioner Mathewson, seconded by Commissioner Phillips, Peirona to approve the minutes as amended. The motion passed.

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PUBLIC HEARINGS

Continued Public Hearing - 900 Sixth Av.; To consider a conditional use permit to modify the detailed development plan to alter the landscape plan, eliminate a retaining wall, and substitute an elevator tower element for the tunnel entrance on Sixth Avenue (Appl. No. 99-1134); APN: 045-152-540 and - 570; Zoning: P.D.; CEQA Status: Exempt; Robert Tucker, Hardison, Komatsu, Ivelich & Tucker (Applicant); Paradigm Health Care L.P. (Owner)

Director Vanderpriem stated that the applicants had filed a conditional use permit as a method of requesting changes to the previously approved retaining wall and elevator. Staff has worked with the project architect and provided two options in the staff report: using the two existing walls or put in place the intermediary retaining wall as originally approved. Staff believed there were advantages to using the

current two-retaining wall system, because the exposed surface of retaining wall would be the same under both options, and believed that having one of the walls further away from pedestrians with more opportunity to landscape between the sidewalk and the wall was a superior option. The intermediary retaining wall would only be cosmetic and not have any real purpose other than moving a mass closer to the right-of-way. Staff recommended approval of the use permit to eliminate the intermediary retaining wall and approve an elevator tower element instead of an elevator tunnel concept previously approved.

Tom Brutting, HKIT Architects, project architect, stated that they had the contractor do a survey of the walls as they existed, and asked them to survey exactly the building footprint on the site in relation to the walls so they would not have doubt as to where the building was falling. They were then able to take a site plan and develop from that the two schemes that were previously provided to the Commission. They placed a new elevator structure in relationship to where they felt it would be convenient not only for the people coming out of the building but also accessing from the other way going back up again. Looking at various locations for the elevator, they wanted to maintain a presence and aesthetics for the building and the surroundings but also for within the building and not having to obstruct too many of the views from the units. The placement is really not different from where the tunnel was originally placed. With regard to creating a further paved area beyond the building and maintaining a five ft. balance outside of the footprint of the building, they found out that the wall was constructed slightly closer to the building than they thought, so it was decided to angle the first floor level back and created distance needed for the five ft. distance all around. He also showed drawings incorporating the third middle wall with plantings mimicking an approximate two-year growth. Two alternative railing schemes were provided. He presented drawings showing the same cut on the side without the middle wall and with the wall, and thought that comparing the two provided a good indication of both alternatives. He thought that the landscaping did a very good job at cutting down the bulk and height and concerns of that upper wall. Responding to Director Vanderprie's question regarding the elevation for version A, Mr. Brutting stated that the shaded portion on top of the wall showed where the wall did not currently exist.

Chair Parsons commended the applicant for putting together the packet as had been requested by the Commission. Commissioner Peirona asked why the elevator needed to open up right on the street. Mr. Brutting replied that the elevator was not on the sidewalk but was tucked back about 3-1/2 feet.

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The consensus of the Commission was that they would prefer the two walls with the heavier landscaping, provided there were larger plants and some railing changes. Director Vanderprie stated that the applicant was willing to return to the Commission at a later date with a landscape plan incorporating the additional plantings and choices for the railing. Chair Parsons stated that he would prefer a railing that was more in keeping with the residential nature of the building similar to that used at Village Center, and that the concrete foundation coming out of the hillside be carefully detailed. Director Vanderprie stated that there would probably be a 6" extension around the perimeter of the tower that would match the curbing. Commissioner Purcell asked about any changes to the building pad or roofline elevations. Director Vanderprie stated that the finished floor elevation of the building and

the height of the building have not changed in any way. The finished grade around the building needed to be at 67' in elevation in order to meet the building code, with 50% or more of the lower floor being below grade. The only changes were the elevator tower instead of the tunnel and the elimination of the intermediate retaining wall.

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Commissioner Parsons opened the public hearing.

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David Bauer, 1027 Tahoe Dr., felt that the Commission was moving in the right direction and encouraged the Commission to pursue the changes that had been proposed.

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Bill Carlson, 1766 Terrace Dr., concurred with the staff presentation and thought that reducing the number of walls from three to two was an enhancement with the green belt in between and thought that the abolishment of the tunnel was also an enhancement; he felt that the tunnel would have been an attraction for homeless people.

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Jo Ledwith, 2689 Comstock Cir., concurred with the proposal and urged that the project move forward without delay as she felt it was an invaluable asset to the community and to elderly citizens.

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Tom Diridon, President of the Belmont Chamber of Commerce, was delighted with the direction that the project was going and hoped that it could be completed expeditiously.

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Chris Middleton, 86 Renato Ct. #12A, Redwood City, was involved with the ownership and management of the Belmont Holiday Inn Express, and supported the changes for the two walls and the elevator.

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Ralph Kirberg, business owner at 1020 Old County Rd., was in favor of the two-wall proposal along with the elevator.

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Wally Krutz, 1919 Hillman Av., expressed his approval of the two-wall proposal.

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Elaine Farmer, President, Central Neighborhood Association, asked Commissioner Purcell if they talked about the new building having attractive plantings so that the people in the existing building would look over something more attractive than just a roof. Commissioner Purcell responded that they would be looking out over a roof and landscaping. Director Vanderpriem added that their windows were at a height where they would be able to look straight out but if they chose to look down there was

landscaping both between the building and the driveway parking area as well as in the middle of the parking area.

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Douglas Curtis stated that he had been retained by the developer to facilitate and coordinate between the architects and contractors to smooth out the process, and to interface with the City Building Division.

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MOTION: By Commissioner Peirona, seconded by Commissioner Mathewson to close the public hearing. The motion passed.

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MOTION: By Commissioner Phillips, seconded by Commissioner Mathewson, to adopt Resolution 2000-5 approving a conditional use permit to amend the detailed development plan to modify the elevator design on Sixth Avenue as reviewed along with the two-retaining wall scenario in scheme B, modify the building footprint, landscape plan, and retaining walls at 900 Sixth Avenue and added two conditions: 1) a final landscape plan, railing design, and capstone treatment for the lower retaining wall shall be submitted to the Planning Commission for review and approval prior to emplacement of these improvements and 2) the use of brick pavers and the retaining wall veneer finish shall be continued into the elevator alcove area:

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AYES: Peirona, Purcell, Mathewson, Phillips, Wiecha, Parsons

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Chair Parsons announced that the Commission's decision may be appealed to the City Council within 10 days.

Director Vanderpriem stated that it would probably be March before the railing and landscape plans would be brought to the Commission.

Public Hearing - 1816 Oak Knoll Dr.; To consider a variance to allow an existing deck expansion that was constructed without permits by a previous owner to encroach approximately five (5) ft. into the required 15 ft. rear yard setback (Appl. No. 99-1141); APN: 044-064-090; Zoning: R-1B; CEQA Status: Exempt; Yuri Sirenko (Applicant/Owner)

Commissioner Mathewson recused himself since he lived two doors from the proposed project.

Contract Planner Ungo-McCormick presented the staff report recommending approval with conditions.

Yuri Sirenko, 1816 Oak Knoll Dr., stated that they bought the house two years ago primarily because of the view. They had collected 45 signatures in support of the variance. He stated that the main reason for the deck extension was to separate the view between the property and the neighbor's bedroom. The deck did not interfere with anybody. The lot was 29' deep and it was impossible to go to the back yard

due to the steepness and there was no front yard. There was nowhere to sit and enjoy the sunset other than on the deck.

Oksana Sirenko, 1816 Oak Knoll Dr., stated that the deck was very important and why they bought the house. The deck was the only place that they could sit outside. She pointed out that the lot was one of the smallest in the neighborhood, and that 1814 Oak Knoll had additional two bedrooms downstairs and access to the back yard. She thanked staff and the neighbors who took the time to support them.

Steven Eckert, 1814 Oak Knoll Dr., stated that a survey revealed that the houses were only 21 feet from the property line and that the deck extension was actually 9' and was much closer to the property line than the paperwork indicated. He stated that there were more deck boards in the extension than there were in the original six ft. deck, so if the variance as written was approved he presumed the deck would have to be shortened back to only a five ft. extension. He felt that the back yard was usable; the house had an internal stairway and a back door that led to the back yard. As for blocking the view, solid railings could be used to block the view of the neighbor's bedroom. He wanted to be on record that he did not believe that the five findings could be met. Finding 1: he felt there was no practical difficulty in leaving the house as it was constructed with a six ft. deck; all of the lots were shallow and had minimum front and rear yard setbacks; and the house was sized to fit on the property so that there was nothing extraordinary about this particular house. Finding 2: the floor area ratio (FAR) ordinance was supposed to prevent looming structures, and looking up from the house that was down slope from 1816 Oak Knoll and what you saw was a very large overhang and was one of the factors that convinced him not to buy the house at 1917. Finding 3: he knew of no other owners on the street whose decks encroached into the backyard setback; all are the same except this one; this was a deck with a special privilege. Finding 4: in this case, the deck as originally constructed was legal and consistent, and allowing it to get more than twice as large would be a grant of special privilege. Finding 5: he felt that it was detrimental to the neighboring properties. The house was raised up off the ground an additional five ft. so that the deck was five ft. higher than his deck. Mr. Eckert said that if they're having a party until midnight, the guests loved to sit on the corner of the deck with the best view of the bay, and it didn't work to encourage people to sit on the other side. He stated that there were crowds of people 10' away from his bedroom until late at night. There was a sight line problem, he couldn't build a fence because it was 20' off the ground, and the houses were 10' apart. He wanted the Commission to think about the sight line into his house.

Responding to Commissioner Peirona, Mr. Eckert stated that he purchased his house in 1990 when the illegal deck was already in place but that the previous owner did not have parties at night. The previous owner did not use the deck because it swayed.

Russ Mason, 1917 Oak Knoll Dr., stated that if the applicant was required to change his deck, then the sight line from the living area would be directly into his son's bedroom and his family room and he didn't want that. The deck was there 10 years before anybody moved into the neighborhood and if it was a privacy concern it should have been brought up when they moved in. He hoped that the variance would be approved. He had never heard noise from a party at the applicant's home. Responding to Commissioner Purcell's question, Mr. Mason stated that the deck in question did not provide shade nor loom over his house in any way and he preferred it that way.

Wally Krutz, 1919 Hillman Av., who lived down slope and to the left of the applicant's home, believed the variance should be granted and should send a strong message to everybody that those kinds of

improvements have stood the test of time. It was important to him for the sight line also, and he thought it would add to his ability to entertain outside as the lights from his deck did not shine up into their living area. In addition, noise emanating from his home was blocked from the applicant. He had attended functions on the deck and they were never raucous or loud and always ended at a perfectly reasonable hour. The Commission should not be used to limit the use of the deck. If they had to redo their back yard some very nice mature landscaping would have to be destroyed and started over again. The variance helped to maintain his privacy and that of the applicant.

Commissioner Purcell stated that part of the thought that went into the decision-making on some of these items was that this owner was not the owner who built the deck and there was a certain amount of penalizing that would take place if the Commission denied the requested variance. Chair Parsons clarified that the sketches that he saw of the deck showed that it did not have cross bracings and reiterated that if the variance was granted it would have to be brought up to code.

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Motion: By Commissioner Peirona, seconded by Commissioner Purcell to close the public hearing. The motion passed.

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Motion: By Commissioner Purcell, seconded by Commissioner Peirona to approve Resolution No. 2000-7 approving a variance at 1816 Oak Knoll Dr. and that the deck be brought up to building codes:

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AYES: Purcell, Phillips, Weicha, Peirona, Parsons

RECUSED: Mathewson

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Chair Parsons announced that the Commission's decision may be appealed to the City Council within 10 days.

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PM returned to the dais.

Recess at 8:20 to 85

Public Hearing - 1840 Robin Whipple Way; To consider design review for a second-story addition, consisting of approximately 1,169 sq. ft., to an existing 1,873 sq. ft. (including garage and covered entry porch) single-story home. Total floor area including the garage would be approximately 3,042 sq. ft. Maximum permitted floor area for the lot is 3,065 sq. ft. (Appl. No. 99-1144); APN: 044-311-150; Zoning: R-1C; CEQA Status: Exempt; David Hernandez (Applicant); Jen and Charlie Montgomery (Owners)

Contract Planner Deborah Ungo-McCormick presented the staff report, recommending approval with a second resolution, given to the applicant just before the meeting, calling for provision for a 2-car garage since this will be a 5-bedroom home.

David Hernandez, architect for the owner, stated that in driving through the neighborhood there are a number of new construction sites with second-story additions and 4 and 5 bedrooms that have 1-car garages. He believes that at this point in time it is unfair to present this applicant with the limits test for the two-car garage issue. The staff report prepared by Contract Planner Knapp stated that, in the zoning ordinance, 1) 814 does not apply to the project in that a variance would be required to meet the parking requirement; 2) the existing 6' side yard setback precludes the ability to expand the existing garage because it would not meet the code issues; and 3) "the only other alternative that could exist would be to demolish the existing living room in order to expand the existing garage to the 2-car configuration". Contract Planner Knapp stated in the staff report that demolishing a portion of the home would result in an unreasonable hardship to the property owners and one not imposed on other property owners in the area or in the city. Mr. Hernandez cited 3 other remodel projects underway in the neighborhood that have one-car garages. He added that they tried to design something that is in keeping with the neighborhood and minimize the impact on the scale of the home. The second car garage is like "a poke in the eye" since they are hearing about it so late as a condition of approval. He showed on the drawings what would happen if they are required to include the 2-car garage - the present staircase would have to be removed, and they would lose two bedrooms and a bathroom. It would compromise the whole project. He suggested that it needs to be dealt with at Council or at staff level to re-write the ordinance so that future remodels would be addressing this issue.

Charlie Montgomery, owner, concurred with Mr. Hernandez, adding that it would create the need to tear down the whole first floor, part of which was just recently remodeled. Aesthetically, they tried very hard to design a second floor that did not present a two-story wall to the street. Responding to Commissioner Purcell, the applicant stated that he owns two cars.

Commissioner Phillips asked the applicant at what point they started to realize that having a one-car garage and adding 1200 sq. ft. was going to be a problem. Mr. Hernandez stated that he didn't think it was going to be a problem because the discussions with the Planning Department were generated based upon precedents set in the neighborhood and previous approvals. The issue came about because of the undue hardship issue by creating a garage element for the front of the house. He has no timeline. He feels that the initial resolution is contradicting in its statements until the very end where the additional notation number 4 is added into the whole scheme of things. He stated that all along he was talking with Contract Planner Knapp that this was an issue of hardship and would not be a problem. It was the previous Saturday that he received a notation: "submit revised plans incorporating a 2-car garage." Commissioner Phillips asked if he was aware through the whole design process, which started last July, while he was working with Contract Planner Knapp that this was an issue of concern. Mr. Hernandez responded "Not from the City staff, no" and added that it was never presented to him that the garage has to be added or even that staff has concerns. He stated that he was aware of the ordinance, primarily on the off-street parking issue, and dealing with the design aesthetic at the front of the house they tried to incorporate that into their plans. Commissioner Peirona asked the applicant if he ever stated to Contract Planner Knapp or anybody else on staff that it would be very difficult to put a two-car garage in and he would hope that they would have precedence. Mr. Hernandez responded "No, it was never posed in that fashion, it was never discussed in terms of having to consider adding a second car garage." He added that his conversations with Contract Planner Knapp preceded the letter by a month on two different occasions. She brought up the possibility with respect to the hardship issue but the garage issue was never brought up as a possibility over those conversations. He was not sure whether he or

Contract Planner initially brought up the word "hardship". He walked her through the whole set of documentation, she talked about the square footage issue, she added additional square footage because the porch wasn't calculated into the sum total, then the issue of hardship came up and she didn't think that was going to be a problem because of the variances. When he asked her how it would be written up she stated basically the way she had written it on the first exhibit; the second exhibit was a surprise to him as well.

Responding to Chair Parsons' question, Mr. Montgomery stated that they do not currently use the one-car garage to store a car but they could get a car in there by moving workbenches and baby carriages.

Director Vanderpriem corroborated what Mr. Hernandez said about the time frame. He had talked to Contract Planner Knapp about the garage issue and knew that she had been talking to the applicant about it and did in fact recommend a project without the garage extension. When he received the staff report on his desk he had the prerogative of changing that recommendation and did that because in looking at the staff report and the plans we were effectively changing it from a two-bedroom to a five-bedroom house. He added that a number of these project are coming through and they take pains to address what the options are, whether or not an additional garage could be provided, and it was his judgment in this would probably be a case where one would be able to incorporate a two-car garage. He added that the ordinance requires a two-car garage - it's only if it can't be done without a variance - and explained how he felt it would be possible to redesign the addition to allocate the square footage to come up with a four-bedroom two-car garage design. It was his judgment to make the change, apologized that it came so late in the process for the applicant, and felt it was important to explore the issue with the Commission tonight because they will see other homes like this come through.

Responding to Commissioner Wiecha, Director Vanderpriem stated that this is the first application where the number of bedrooms has gone from two to five on a lot that could actually accommodate a two-car garage without a lot of grading and a retaining wall, and the majority of the applications are for three-bedrooms.

Commissioner Purcell asked the applicant to again address the second-story changes that he feels would be necessary. Mr. Hernandez explained that the master bedroom and the staircase would probably have to be relocated and 170 square feet would have to be cut out of the second floor, which forces them to lose a bedroom, hallway and possibly a bathroom or the laundry room, and you lose the character of the face of the building. He added that they are at their maximum square footage and whatever area is added for the garage gets taken out of the living space.

Director Vanderpriem confirmed that, by statute, the Commission is required to look at a second car garage because of the five-bedroom configuration and the fact that it would not require a variance to do a second car garage. He added that there are a couple of options: 1) if it were to be approved as a resolution there are provisions for the applicant to modify the floor plan and add the second garage, or 2) if the Planning Commission determined that the garage could only be provided if there was a variance then the applicant would be released from that requirement, or 3) if they determine that the garage could be provided without variance and the applicant still wishes to have relief from that they could apply for variance from that section of the parking ordinance. Further, he stated that he feels the applicant is correct in that perhaps the ordinance needs to be clarified and staff needs to do a better job of telling people up front that it's not an automatic thing and it is a requirement and only if they can show that a variance would be required to provide the garage would they be released from that requirement.

Chair Parsons is concerned that in this case we actually have a house with a no-car garage as it has a fireplace and is not being used to park a car. Commissioner Peirona asked Director Vanderprieem if the Commission can require a two-car garage and also grant a variance for the additional amount of square footage. Director Vanderprieem responded that the Commission can look at the entire package and balance some of the benefits that might apply to the project with the additional garage against the other home sizes in the area and what other people are enjoying. He's not sure that 170 sq. ft. is the number here – the additional garage is 10 x 20 – but most of that is existing floor space in the form of a living room. It could be determined later if the item is continued where that reduction of square footage occurs.

Commissioner Peirona does not see that there is a hardship on the property to build a garage, but does feel that there is a hardship on the timing and the way it was presented to the applicant, and that would be why he would like to go over and above to allow them the capabilities to possibly recapture what they would lose if they can design it and not penalize, but he would not want it to become a precedent – it would be because of how it came down and because of the newness of the ordinance.

Chair Parsons feels that the architect has to go back and look at what the owner's options are and they have to look at the fact that there should be a two-car garage. He asked that staff look at the existing garage to see if it actually qualifies as a real garage as it looks like it is only 9' wide. The one-car garages that have been allowed in the neighborhood have been for much smaller additions. He recommended that the item be continued to let the architect and owner reconsider their options, and apologized that the situation occurred the way it did in that the City is short on staff at the moment.

Mr. Hernandez stated that the present garage is dimensioned at 12' but he is not sure what the clear space is between the fireplace and the garage wall. He clarified that they would have to make up for the garage area by taking out living space. He asked what the cut-off of bedrooms before they have to go to a second garage. Director Vanderprieem stated that the addition of one bedroom is enough to trigger the requirement to spend the FAR to also increase the size of the garage, and on each recent application they have addressed the garage question and looked at other improvements on the site.

Commissioner Purcell stated that she is not a fan of proliferating garages, and feels that if a two-car garage is put right in front of this particular house, it will be nothing but garage and a front door and she does not feel it would improve the aesthetics of the house at all.

Mr. Hernandez said that he spoke to the owner after receiving the letter and if the two-car garage is required it would possibly kill the project, as it would entail a major remodel that may double the project cost.

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Motion: By Commissioner Wiecha, seconded by Commissioner Purcell, to continue the item to the next available meeting.

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Ayes: Mathewson, Parsons

Noes: Phillips, Wiecha, Peirona, Purcell

Commissioner Wiecha agreed that adding another garage would detract from the façade of the house and take away from the house in general but feels that five bedrooms is excessive for the one-car garage and a minimal parking apron that can only accommodate one car. Chair Parsons concurred, and complimented the architect on the design, but feared that if they set a precedent with this house it will become a street with large houses with nothing but cars parked along the street.

Jan Montgomery, Owner, commented that they just replaced all of the windows in the house and that it is possible to park two cars in the driveway side by side.

Commissioner Peirona asked if it would be possible to replace the present substandard one-car garage with a good one.

Commissioner Phillips is questioning how the Commission can say that four bedrooms is ok but five is not and at the same time compliment the architect on a well executed design. He feels that if they continue the item they are just postponing the inevitable. They have already created the large house and approved the aesthetics and the exterior.

MOTION: By Commissioner Phillips, seconded by Commissioner (*female first time, male second time*) to approve application 99-1144 with the single-car garage, with the recommendation that staff work with the applicant to widen the driveway and attain the required amount of parking space in the garage

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Ayes: Phillips, Wiecha, Peirona, Purcell,

Noes: Mathewson, Parsons

Commissioner Parsons qualified his vote by stating that he found findings of hardship on the applicant because of the late notification. Chair Parsons added that they need to find a way to deal with the issue so that staff is clear that the two-car garage option needs to be considered in these situations in the beginning stages and should not suggest that it is a hardship. He voted "no" because he feels that it is too large a house for a single-car garage in that neighborhood.

Chair Parsons announced that this decision can be appealed to the City Council within ten days.

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9:14 – 9:17 – Recess

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Public Hearing - 2711 Sequoia Way; To consider a floor area exception to allow approximately 3,666 sq. ft. of floor area where the maximum permitted is 1,975. The existing floor area of the home (including covered decks and garage space) is 2,960, and is legal non-conforming as it was constructed prior to the current Ordinance standards being in effect. The request for 706 sq. ft. of additional floor area is entirely within the existing building envelope in the basement area of the home (Appl. No. 99-1147); APN: 043-234-080; Zoning: R-1B; CEQA Status: Exempt; Bruce Turner, Turner Homes (Applicant); Kenneth Wach (Owner)

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Contract Planner Deborah Ungo-McCormick presented the staff report recommending approval with conditions.

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Responding to Commissioner Parsons' question regarding grading, Contract Planner Ungo-McCormick stated that she had spoken to the architect who indicated that there is minimal, if any, grading. Commissioner Purcell asked if it is adequate to have no windows on the one side and what the view is out of the one window on the other side.

Bruce Turner, President and Chief Designer for Turner Home Services representing the owner, stated that the reason there is no window on the once side is purely out of respect for the privacy of the neighbors and the window on the other side has a view of the bay and does not look into the neighbor's home. Regarding the grading question, he explained that because of the down slope of the lot, no grading would be required or, from an engineering perspective, possible because it would undermine the piers that are already there.

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Ken Wach, owner of the property, stated that the reasons they want to do the addition are 1) to provide separate bedrooms for each of their children and also allow for his wife to have a home office, 2) to have a playroom for the children, and 3) to gain access to the backyard. In addition, it will provide a second exit out of the house. He had collected signatures from eleven neighbors approving of the addition.

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Heidi Waters, 2708 Sequoia Way, supports the addition.

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Mr. Turner added that the community will win with a project like this as it will attract a quality family, and that it will not be the largest house in the neighborhood. There is no additional footprint except for the deck and stairway that goes down to the yard below.

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Motion: To by Commissioner Wiecha, seconded by Commissioner Phillips, to close the public hearing. Motion passed.

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Discussion ensued regarding precedents already set in the neighborhood, and the fact that this will not create increase traffic and does not increase the bulk of the house.

Motion: By Commissioner, seconded by Commissioner Peirona, to approve the FAR exception citing staff findings.

Ayes: Phillips, Peirona, Purcell

Nayes: Wiecha, Mathewson, Parsons

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Director Vanderpriem pointed out that the City Council changed the Purpose section of the Ordinance to deal with situations where there was no increase in bulk occurring. Prior to 1992 it is said that it is the job of the Commission and staff to look at lessening inconsistencies in floor area among neighboring properties. In 1992 a provision was added that said "or" and gave an option something other than looking at inconsistencies among the properties and said that exceptions may be granted "when no increase in building bulk results."

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Motion: By Commissioner Phillips, seconded by Commissioner Peirona, to approve application no. 99-1147 to grant the FAR exception based on the staff report and the findings that the project would still be the same footprint with no increase in bulk.

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Ayes: Phillips, Peirona, Purcell, Parsons

Nayes: Wiecha, Mathewson

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Chair Parsons announced that the item may be appealed to the City Council within ten days.

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Director Vanderpriem noted that one of the projects of the new Principal Planner will be to review FAR standards.

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Continued Public Hearing - 3034 San Juan Blvd.; To consider a design review, grading plan, and tree removal permit to allow construction of a new single family dwelling of approximately 3,338 sq. ft. on an existing 13,000 sq. ft. lot. (Appl. No. 99-1117); APN: 043-162-910; Zoning: R-1B; CEQA Status: Exempt; Javier Chavarria (Applicant); Carlos Aubain (Owner)

Director Vanderpriem presented the staff report, stating that the applicant has revised the plans at the request of the Commission to move the home forward towards the street in order to reduce grading. If the Commission give the applicant positive direction based on the revised plans, notices for the setback variance will be issued tomorrow to go into the paper and bring it back at the next meeting for approval.

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Javier Chavarria, J. C. Engineering, applicant, summarized the proposed changes by stating that the setback has been moved from an 18' to 11' to the face of the garage wall. It is to the property line and still allows 21' to the walkway. There is still a usable driveway for two cars in addition to the two cars inside the garage. The rear bench was thereby eliminated and reduced the excavation to 955 cubic

yards, a reduction of 270 cubic yards from the original proposal. In addition, the bulk of the retaining wall at the driveway is also reduced because the length of the wall is diminished from 28' to 21' and the height from 16' to 13'. The house remains pretty much the same except that a window was added that will add light and ventilation to the building.

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Removal and replacement of protected trees and ditch excavation were discussed.

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Chair Parsons opened the public hearing. No one came forward to speak.

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MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to close the public hearing. Motion passed.

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Commissioner Purcell commended the applicant for an outstanding job and thinks that the improvements are significant, but believes the façade and house is too large for the site, just because of the presentation to the street. Commissioner Phillips thanked the applicant for taking the Commission's earlier comments into consideration.

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Public Hearing - 1925 Bayview Av.; To consider a design review to add approximately 765 sq. ft. for a second story addition to an existing 924 sq. ft. house for a total of approximately 1,889 sq. ft. (Appl. No. 99-1101); APN: 044-053-130; Zoning: R-1C; CEQA Status: Exempt; Andrew and Kathleen Eisner (Applicants/Owners)

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Senior Planner Livingstone presented the staff report recommending approval.

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Andrew Eisner, applicant, stated that they are planning to add a third bedroom to make more space for his family.

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Commissioner Parsons asked if the applicant plans to reside the garage. Kathleen Eisner stated that they did not.

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No one came forward to speak at the public hearing

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MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to close the public hearing. Motion passed.

MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to adopt resolution 2000-9 approving the residential design review at 1925 Bayview Avenue.

Ayes: Wiecha, Peirona, Purcell, Mathewson, Phillips, Parson

Chair Parsons announced that the item may be appealed to the City Council within ten days.

Public Hearing - To consider the Council's referral of the downtown architectural guidelines (Appl. No. 98-1065); CEQA Status: Previously approved negative declaration; City of Belmont (Applicant)

Director Vanderpriem presented the staff report recommending approval to the Council. He asked the Commission to disregard the title on the staff report, and to look at the second page of the report to see the recommended wording to implement the Council's request on this item. Director Vanderpriem stated that the Council considered a number of the Commission's recommendations and implemented them all with the exception of the design guidelines.

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Chair Parsons opened the public hearing. No one came forward to speak at the public hearing.

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MOTION: By Commissioner Peirona, seconded by Commissioner Mathewson to close the public hearing. The motion passed.

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MOTION: By Commissioner Mathewson, seconded by Commissioner Peirona to approve Resolution No. 2000-10 recommending City Council adoption of amendments to the Downtown Specific Plan and General Plan modifying architectural design guidelines:

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AYES: Peirona, Purcell, Mathewson, Phillips, Parsons

NOES: Wiecha

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Commissioner Wiecha qualified her vote by stating that she thought the flexibility they had developed and built into the guidelines was an asset and she did not think that they wanted the whole downtown looking identical.

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REPORTS, STUDIES, UPDATES, AND COMMENTS

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Discussion of Field Trip to Regis Homes' Davey Glenn Residential Projects for February 12, 2000. Commissioners Wiecha and Purcell will be unable to attend. Responding to Chair Parsons' question as to why the visit is needed, Dan Deibel stated that issues dealing with archeology, site location of the historic home, trees cannot be dealt with in this setting and could best be settled on site. Commissioners asked that they want to be able to see where the roads will be, building locations, flags showing elevations, and tape showing size and mass of some of the buildings. They agreed to meet at 10:00, without the archaeologist and hortocologists, but the landscape architect and civil engineer will be there. They would like to have revised drawings before the field trip.

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Discussion and Direction of Regional Housing Needs Determination

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REPORTS, STUDIES, UPDATES, AND COMMENTS

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The meeting adjourned at p.m. to meet to a field trip at 10:00 on February 12th.

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Dan Vanderpriem, AICP

Planning Commission Secretary